**IN THE HIGH COURT OF JUSTICE OF THE F.C.T.**
**IN THE ABUJA JUDICIAL DIVISION**
**HOLDEN AT KUBWA, ABUJA**
**ON TUESDAY, THE 13TH DAY OF MAY, 2020**
**BEFORE HIS LORDSHIP: HON. JUSTICE K. N. OGBONNAYA**
**JUDGE**

**SUIT NO.: FCT/HC/CV/0923/18**

**BETWEEN:**

1. MR. ONUOHA KINGSLEY UZOCHUKWU
2. RUDMARK INTERNATIONAL LIMITED

----- PLAINTIFFS

**AND**

ECONOMIC AND FINANCIAL CRIMES COMMMISSION
DIAMOND BANK PLC
GUARANTY TRUST BANK PLC
HAJIA HABIBA BELLO

------ DEFENDANTS

# JUDGEMENT

On the 13th day of February, 2018 the Plaintiffs – Onuoha Kingsley Uzochukwu and Rudmark International Limited instituted this action against Economic and Financial Crimes Commission (EFCC),

Diamond Bank PLC, Guaranty Trust Bank PLC and Hajia Habiba Bello claiming the following Reliefs:

(1) **An Interim Injunction restraining the Economic and Financial Crimes Commission (EFCC) by itself, agents and privies from harassing, intimidating, inviting, arresting, torturing and detaining the Plaintiffs or in any way violating his right to life, dignity of his human person and personal liberty as it pertains to this case.**

(2) **An Order directing the 2nd Defendant – Diamond Bank PLC to unfreeze the Bank Account Number *0058740205* belonging to the 2nd Plaintiff – Rudmark International Limited domiciled with Diamond Bank PLC.**

(3) **An Order directing the 3rd Defendant – Guaranty Trust Bank PLC to also unfreeze the Bank Account Numbers: *0039541218, 0039541201 and 0039541115* all belonging to the 1st Plaintiff domiciled with Guaranty Trust Bank PLC, the 3rd Defendant in this case.**

(4) **An Order compelling the Respondents/Defendants jointly and severally to pay to the Plaintiff/Applicants the sum of Twenty Five Million Naira (N25, 000,000.00) as General Damages.**

(5) **Omnibus prayer.**

He supported the application with an Affidavit of 40 paragraphs. He attached 7 documents marked as EXH A – G.

The Defendants were all served with the Originating Processes. They all responded by filing Counter Affidavit to challenge the Suit of the Plaintiffs. However, the 2nd Defendant filed a Preliminary Objection challenging the jurisdiction of the Court to entertain this Suit. The 2nd Defendant also filed a Counter Affidavit. Also the other Defendants/Respondents filed Counter Affidavit challenging the case of the Plaintiff/Applicants.

The Plaintiffs supported their application with an Affidavit of 40 paragraphs and they attached 7 documents marked EXH A – G as already stated.

In the Written Address they raised one Issue for determination which is:

> **"Considering the facts and circumstances of this application, whether the Plaintiffs/Applicants have satisfied the condition for the grant of the Reliefs sought".**

They submitted that the Plaintiff/Applicants have merited the discretion of this Court for an Order restraining the Defendants/Respondents from inviting, arresting and detaining them. That the Defendants/Respondents have conspired to intimidate the Plaintiffs/Applicants to submission and had connived to freeze the Plaintiffs/Applicants' account through 2nd & 3rd Defendants. That Plaintiffs/Applicants are right to seek redress in Court going by the provision of S. 46 (1)

1999 Constitution as amended and the decision in the cases of:

***Nwangwu V. Duru***
***(2002) 2 NWLR (PT. 751) 265 @ 280***

***Senate V. Tony Munoh***
***(1982) 2 FNLR 302***

That the incessant invitation by the Economic and Financial Crimes Commission and the freezing of the Plaintiffs/Applicants account amounts to torture, inhuman and degrading treatment which infringes on their Fundamental Rights. That once there is evidence of arrest and detention of an Applicant, the onus is on Respondent to justify the arrest and detention. They referred to the case of:

***Fajemirokun CBCL Nigeria Limited.***
***(2002) NWLR (PT. 774) 95 @ 111***

That the Defendants have shown that the arrest and detention pertain to the Plaintiffs/Applicants and it shows that their Right have been breached. That they are entitled to compensation by way of damages and public apology. They referred to the case of:

***Ezeka V. Nwankwo***
***(2002) 2 HRLRA 165 @ 173***

***Imjoh V. A-G Federation***
***(1998) 1 HRLRA 513 @ 528 Paragraph A***

That the Applicants/Plaintiffs have lost business because of the freezing of their accounts by 2nd & 3rd

Defendants/Respondents at the instruction of the 1st Defendant/Respondent.

They urge the Court to answer the question in the affirmative as the Applicants/Plaintiffs have satisfied the requirements for the grant of the Reliefs sought. They asked for a General Damages of Twenty Five Million Naira (N25, 000,000.00) only.

In a stiff opposition, the 1st Respondent filed a 20 paragraphs Counter Affidavit to challenge the application.

In the Counter Affidavit the 1st Respondent averred that they followed the due laid down procedure and in accordance with the law and Constitution, invited the Applicants in writing as shown in EXH EFCC 2 based on the petition by the 4th Respondent against the Yinka Bello who it was alleged introduced the Yinka to the 4th Respondent. That they never detained the Plaintiffs/Applicants till the end of the day. But they granted him bail and asked him to report occasionally until investigation is concluded. That they never threatened to arrest or detain the Applicants and never asked him to get Yinka Bello.

That they asked the Banks – 2nd & 3rd Defendants, to only place caution by a Post No Debit Order on the accounts of the Applicants for the purpose of examination and investigation of the account, upon discovery that Yinka Bello did not transfer any fund into the account of the 1st Applicant. That they never infringed the Right of the Applicants in the course of the investigation.

That they equally never threaten intimidate or harass the Applicants. That the Applicants did not even honour the invitation rather wrote to the 1st Respondent on more than one occasion postponing the invitation. That the address he gave does not exist.

They urged the Court to dismiss the application as they never acted as debt collector and as the application is an abuse of Court Processes and as shield to avoid prosecution.

In the Written Address, the 1st Respondent raised one Issue for determination which is:

> **"Whether the Applicants have placed sufficient materials before the Court to warrant the grant of the Reliefs sought"?**

They submitted that it is incumbent on the Applicants to establish that their Rights have been infringed but that they failed to do so. That they failed to honour the invitation of the 1st Respondent. The 1st Respondent suspected that he has been suspected of committing Financial Crime (Fraud) against the 4th Respondent. That the 1st Respondent acted statutorily. They referred to **S. 6 (h) EFCC Act 2004.**

That the Applicants failed to show that the 1st Respondent acted outside their statutory rights. They urged the Court to refuse the Applicants' application and the Reliefs sought. They referred to the case of:

***Fajemirokun V. Commerce Bank***
***(2009) 2 MJSC (PT. 11) 114 @ 140 Paragraph C.***

The Applicants asking for restraint of the performance of the statutory duty of the 1st Respondent to investigate and prosecute crime is incompetent, null and void and of no effect. That the Applicants had failed to put before the Court all material evidence to enable the Court determine all the issues in dispute. That it makes the whole application futile and unmeritorious. That the 1st Respondent instructing the 2nd & 3rd Respondents to put a Post No Bill Order on the said accounts for the purpose of investigation is in order by virtue of **S. 6 (5) b of Money Laundering (Prohibition) Act 2011 as amended.** They also referred to **S. 42 (2) k 1999 Constitution as amended, SS 28, 29 & 34 EFCC Act** and the case of:

***Dangabar V. FRN***
***(2014) 12 NWLR (PT. 1422) 607 – 608***

They urged Court to dismiss the application.

Upon receipt of the Originating Process the 2nd Respondent filed a Counter Affidavit of 7 paragraphs. They attached a letter written to it by the 1st Respondent dated 28/8/17.

In the Written Address, the 2nd Defendant/Respondent raised as Issue for determination which is:

> **"Whether the Applicants have established their claims against the 2nd Respondent to entitle them to the Reliefs sought".**

They submitted that burden of proof of breach of the Right is on the Applicants but they have failed to discharge that onus. That there is no iota of evidence from the Applicants to suggest that they were

restricted from operating their accounts with the 2nd Defendant and that the restriction violated their Rights or likely to violate their Rights. That they did not have any evidence to show that they were unable to operate the account or that they were prevented from having access to the said accounts. That they have mere allegation that they were denied access and nothing more. That there is no evidence to show that the 2nd Respondent instigated the so called allegation of threat, intimidation, arrest or detention. That there is no evidence to show that the 2nd Defendant acquired or threaten to acquire the moveable property of the Applicants forcefully. That they did not show that obeying the Post No Debit Order was done in bad faith. That obeying the Order was a way of helping the Economic and Financial Crimes Commission (EFCC) in monitoring the activities and transactions in the accounts. That they placed the accounts on Post No Debit for only Seventy Two (72) hours pending the obtaining of Exparte Order to that effect. That the 2nd Respondent's action to that effect was in compliance with the law as it was an action taken to aid Economic and Financial Crimes Commission (EFCC) in an ongoing investigation on the accounts. They referred to ***S. 6 (5) (b) Money Laundering (Prohibition) Act 2011. S. 7 (2) a EFCC Act 2004.***

That they acted based on the two (2) letters they got from Economic and Financial Crimes Commission (EFCC) – ***EXH A & B.*** That this application is bound to fail as Applicants failed to establish that their Rights were infringed by the 2nd Respondent. They urged Court to dismiss this application.

On their part, the 3rd Respondent filed 8 paragraphs Counter Affidavit challenging the Suit of the Applicants. They attached 61 documents which are letter from the 1st Respondent ordering the 3rd Respondent to place the Account on a Post No Bill.

In their Written Address they raised an Issue for determination which is:

> **"Whether the Applicants have shown any justification to seek an award of damages against the 3rd Respondent in this Suit".**

The 3rd Respondent submitted as follows: "no cause of action has been raised against the 3rd Respondent in this case to entitle the Applicants to the Reliefs sought. That the Applicants confirmed in paragraph 25 of their Affidavit in support, that it was the 1st Respondent that instructed the 3rd Respondent to place Post No Bill on the accounts of the Applicants.

That they placed the accounts under caution based on the letters from the 1st Respondent going by ***EXH GTB 1 – 49.*** That placing the account under caution is not same as freezing the account altogether. They referred to the de-reported case of:

**FHC/L/CS/1304/2010 Per Justice CMA Olatoregun delivered on the 28th day of April, 2017.**

That the action of the 3rd Respondent is to avoid obstruction of lawful investigation. They referred to ***S. 148 – 150 EA.*** They urged the Court to dismiss the application. That the Applicants are not entitled to their Reliefs. That if Court should award damage, it should be against the 1st Respondent not against the 3rd Respondent since it acted based on the instruction of the 1st Respondent. They urged the Court to dismiss the application and determine the sole issue in favour of the 3rd Respondent.

The 4th Respondent file a Counter Affidavit of 28 paragraphs. She attached a copy of petition she instructed her Counsel to write to the 1st Respondent Chairman. She attached the copy of the Petition

written to the 1st Respondent against Yinka Bello. She raised two (2) Issues for determination:

Please Note that the 4th Respondent did not attach any agreement as falsely averred in paragraph 15.

**(1) "Whether the 4th Respondent as had exercised by her to write a petition to the 1st Respondent can be challenged, questioned and or stopped by the 1st Applicant."**

**(2) "Whether in the light of the circumstance of this case, the Applicants' Fundamental Rights were violated by the 4th Respondent."**

On Issue No 1 she submitted that she merely exercised her right as enshrined in the Constitution and law by making the report/petition to the 1st Respondent since she knew that Yinka Bello had defrauded her. She referred to the case of:

***Fabiyi V. State***
***(2013) LPELR – 21180 (CA)***

That she rightly acted in good faith in exercising her right. She urged the Court to so hold.

On Issue No. 2 she submitted that her action did not in any way violate the Rights of the Applicants and that there was no direct complaint against the Applicants to the 1st Respondent. That since the application of the Applicants on violation of their Rights is ancillary and not the main Relief, the Court should discountenance the application and dismiss the prayers.

In response to the new Issues raised by the 4th Respondent, the Applicants filed an Affidavit of 4 paragraphs and a Written Address/response on points of law. He submitted that the 4th Respondent failed to attach the agreement she entered into with the Yinka Bello where she alleged that the 1st Applicant acted as a surety. That she deliberately failed to attach that document though pleaded because she knows that it will expose her and whittle done her Counter Affidavit and that it will work against her. He referred to **S. 167 EA** and urged the Court to discountenance her Counter Affidavit. They also referred to the case of:

**Amgbare V. Sylva**
**(2009) 1 NWLR (PT. 1121) 1.**

That she deliberately failed to exhibit it. That her action is caught up with the said S. 167 (d) EA 2011. That the 4th Respondent cannot deny not writing a petition against the Applicants because she mentioned the 1st Applicant's name in the petition and also referred and stated his telephone number in the petition.

Again that her deposition in paragraph 26 of her Counter Affidavit betrayed her, that she even referred to the Court as an engine of fraud in the said paragraph thereby probating and reprobating. He referred to the case of:

***Oladipo V. Bank of the North Ltd***
***(2001) 1 NWLR (PT. 694) 255***

That she had actually instructed the 1st Respondent to go after the 1st Applicant to help her recover the money owed her by Mr. Yinka Bello. They urged the Court to hold that the 4th Respondent is liable to pay damages.

That since the Applicant has shown that his Rights have been infringed, the onus shifts to the Respondents to prove otherwise in order to justify the arrest and detention or their action. That the 1st Applicant showed that he was invited and detained by the 1st Respondent at the instance of the 4th Respondent and as a result the accounts of the Applicants were frozen. That she had admitted writing the petition where the name of the Applicant and phone number was written. That the above shows that the Applicants' Rights were infringed and that the Court has a right to award damages against the Respondents and Order for the unfreezing of the accounts of the Applicants. That the Applicants are entitled to compensation and public apology. He referred to the cases of:

***Odogu V. A – G Federation***
***(2002) 2 HRLRA 82 @ 102 Paragraph D – E***

***Ezeka V. Nwankwo***
***(2002) 2 HRLRA 165 @ 173 Paragraph A – B***

That the 4th Respondent instigated the 1st Respondent freeze the account of the Applicants and caused the detention of the 1st Applicant also. They urge Court to so hold and grant all the Reliefs sought.

## COURT:

From the above summary of the submission of all the parties, the question is, has the Applicants been able to establish that their Fundamental Rights has been infringed at the instigation of the 4th Respondent in that the Court should grant their Reliefs as sought?

Put differently has the Applicants discharged the onus placed on them and in that the Defendants is stucked and have not been able to justify their collective action which the Applicants said had

resulted in the infringement of their Rights and which culminated in the detention and freezing of the accounts of the Applicants?

To start with, the Court adopts as part of this Judgement the Ruling delivered in which the Preliminary Objection by the 2nd Defendant was dismissed as if same is set here seriatim.

In answer to the question, it is imperative for the Court to state that whoever asserts must prove with cogent facts and credible evidence where available and necessary. Again it is incumbent on an Applicant to establish that his Right has been infringed. Once that onus is discharged, it is left for the Respondent to justify their action. That is the decision of the Court in the case of:

## ***Fajemirokun V. CB (CL) Nigeria Limited (2002) NWLR (PT. 774) 95 @ 111 Paragraph G – H***

FREP cases are so peculiar and sensitive that whenever in an application a person alleges that any of his/her Fundamental Right is infringed or threatened to be infringed, the Court listen. Even if it is listed last in the hierarchy of issues in dispute the Court considers it important. The issue of it being ancillary does not arise.

Again several people can bring an application together and jointly for the enforcement of their Fundamental Right. An application predicated on Fundamental Right must not only be based on torture or arrest and detention before a Court can entertain it or before the Application can succeed. Infringement on a person's Right to moveable property is still an infringement on the person's Fundamental Right.

The 1st Applicant had in his application narrated his involvement with the 4th Respondent and Yinka Bello. He had narrated how the 4th Respondent lent money to Yinka Bello and how Yinka disappeared.

The 4th Respondent did not deny that. She even told the Court in her Affidavit that there was an agreement between her and Yinka Bello. But she did not attach the Agreement as she stated in paragraph 15 of the said Counter Affidavit. She even stated that the 1st Applicant acted as surety but she failed to exhibit any document to buttress that.

The 1st Applicant had stated that he never acted as a surety to Yinka. The failure of the 4th Respondent to discharge that onus shifted to her by the Applicants makes weak the Counter Affidavit of the 4th Respondent and it shows that the Applicants were right in that regard. The bottom line is: This Court does not believe that the 1st Applicant acted as a Surety to Yinka Bello.

It is not in doubt that the 1st Respondent's action of writing to the 2nd & 3rd Respondents to place Post No Debit on the account of the Applicant was based and orchestrated by the petition of the 4th Respondent dated 11/7/17.

It is not in doubt that the sole aim of the petition though not directed at the 1st Applicant and his company but invariably it is extended to them, is for the 1st Respondent to help the 4th Respondent recover her money. This is clearly stated in page 3 paragraph 2 of the said letter. In line Number 4 – 6 of the letter she stated thus:

> ***"We equally request that you help recover our client's Ten Million Naira (N10, 000,000.00)."***

From all indication, the 4th Respondent wanted to use the 1st Respondent as debt recovery agents.

It is imperative to state that the 1st Respondent as Anti-Financial Crime Agency has a right upon any report made to investigate, invite,

interrogate, arrest, detain and where necessary prosecute a person for financial crime. Once their action is done using a procedure permitted by law such action cannot be illegal, unlawful and an infringement of a person's Right.

In this case the 1st Respondent invited the Applicant several times in writing as shown in the six (6) letters addressed to 1st Applicant all marked as EXH EFCC 4 (a) – (f) as well as EXH EFCC 2 & 3 as attached by the 1st Respondent. There is no doubt that Bail was granted the same day by 1st Respondent as shown by EXH EFCC 5 titled "Conditions for Bail". The 1st Applicant confirmed that in his Affidavit in support of the application.

As it pertains to the invitation of the Applicant, without doubt, the action of the 1st Respondent in that regard is in line with the procedure permitted by law under the establishing Act S. 6 (h) EFCC Act 2004. So this Court holds.

No Court has the right and discretion power to obstruct or restrain the performance of the statutory duties of the 1st Respondent to investigate a financial crime and prosecute same where necessary. That is the decision of the Court in the case of:

***A – G Anambra V. Chris Uba***
***(2005) 33 WRN @ 199***

Again the notification form of letter EXH 1 & 2 as attached by the 2nd Respondent and EXH 1 – 62 as attached by the 3rd Respondent written by the 1st Respondent is also in line with the procedure permitted by law. This is so because by virtue of the ***Money Laundering (Prohibition) Act 2011 S. 6 (5) (b)*** as well as ***S. 44 (2) k 1999 Constitution as amended*** as well as ***S. 28 & 29*** as well as ***S. 34 EFCC Act 2004,*** the 1st Respondent has the right to investigate any allegation of Financial Crime and Fraud.

They are also permitted to take over on temporary basis a personal moveable and immoveable property for the purpose of enquiry and investigation. The above is what the Court decided in the case of:

***Dangabar V. FRN***
***(2014) 12 NWLR (PT. 1422) 607 – 8***

So the instruction to the 2nd & 3rd Respondents to Post No Debit is in order, lawfully done, and legally too. It was to enable them investigate the Applicant to know the extent of his involvement in the petition since his name was conspicuously mentioned. In order to ascertain the extent of his involvement if any having been alleged though falsely accused of acting as a Surety, there was a need to investigate him and monitor his account. This can only be done by notification to the Banks – 2nd & 3rd Respondents in writing instructing them to Post No Debit until investigation is concluded pending the 1st Respondent obtaining a Court Order.

The 1st Respondent were right in quickly notifying the 2nd & 3rd Respondents because any delay may defeat the whole essence of the investigation.

Again the 2nd Respondent had stated that they were equally instructed to defreeze the Post No Debit instruction on the account and they quickly obliged that.

This Court does not believe that the 2nd & 3rd Respondents defroze or lifted the Post No Debit on the Account because such instruction to defreeze an account cannot be made orally since the instruction to activate Post No Debit was made in writing. The 2nd & 3rd Respondents did not show any document to that effect.

But on the other hand, the Applicant did not show any evidence that he attempted to deposit or withdraw money or make use of the account since then and it could not go.

It is important to point out that to Post No Debit was done while the 1st Respondent was waiting for the Applicant to honour their invitation. This is evident in the EXH 1 – 62 tendered by the 3rd Respondent as well as in the EXH A & B of the 2nd Respondent. The Post No Debit lasted until 2018.

Going by the date in part of the EXH 1 – 62, it is clear that after the Applicant honoured the invitation on the 4th day of January 2018, the 1st Respondent who had since 2017 instructed a Post No Debit on the Account continued with the numerous letters to 3rd Respondent to hold the Account. It is obvious that it lasted because of the investigation on the Account based on the petition. Notwithstanding that Post No Debit was still subsisting until May 2018, it is because most probably that the investigation was still on.

The action of the 1st Respondent cannot be misconstrued to be abuse of the Applicant's alleged Rights because the Post No Debit was a temporary measure taken in the cause of investigation of the account based on mentioning of the Applicant's name in the petition. If the Applicant had honoured the invitation by the 1st Respondent earlier, the Post No Debit would not have lasted that long as the 1st Respondent would have concluded the investigation earlier.

The action of the 1st Respondent was in accordance with the procedure permitted by law. It is within the ambit and scope of the statutory powers of the 1st Respondent under the EFCC Act Money Laundering (Prohibition) Act and S. 44 of the 1999 Constitution as amended.

Again, there is no evidence from the Applicant that the freezing of the account was still subsisting. The claim of defreeze within Seventy Two (72) hours by the 2nd Respondent is unsubstantiated because there is no evidence to that effect. But the Applicant did not equally show that he wanted to use the account and it was refused.

The 1st Respondent did not act as a Debt Recovery Agent though the 4th Respondent wanted them to act as one.

There is no doubt that action particularly the petition of the 4th Respondent instigated the 1st Respondent to act as they did. She did not attach the so called Agreement. She could not prove or establish that 1st Applicant acted as a Surety. She in her own words she stated that the 1st Applicant came back to her in the company of Yinka Bello shortly after the alleged Sureteeship to inform her that he no longer wanted to act as a Surety, yet she went ahead to do business with the same Yinka Bello. Lending him money and even giving him back the alleged Five Million Naira (N5, 000,000.00) which she claimed that Yinka Bello returned. All in her greed to earn the promised huge interest on the money she "loaned" to Yinka Bello.

In her own words as captured in the petition in paragraph 2 page 1 her Counsel said that:

> ***"... Mr. Yinka Bello approached our client on October 2016with a business proposal that he is a mongul that is into oil business even with a depot"...***
>
> ***"... and based on trust and much assurance my client agreed to transact with him".***

The Applicant according to the petition in paragraph 3:

> ***"... Mr. Kingsley Onuoha came the same day after she had transferred the money to Yinka Bello's account that he cannot vouch for his integrity any longer in the transaction ..."***

The above is very clear and needs no further clarification or explanation as the Applicant alerted the 4th Respondent. But she went ahead with the Yinka Bello when she could not get what she expected from him instead of being truthful enough to the 1st Respondent she still somewhat linked the Applicant to Yinka Bello saga. That action triggered the investigation and the Post No Debit on the account.

There is no doubt that there was delay in lifting the Bill. There is also no doubt that there ought to be a written notification on the 2nd & 3rd Respondents to end the Post No Debit.

But the platform is the premise upon which the Post No Debit was based is orchestrated by the false alarm by the 4th Respondent.

The Banks action on honouring and obeying the Post No Debit was based also on that false alarm.

So the bottom line is that it is the 4th Respondent that in long run infringed the Right of the Applicant. The 1st Applicant was able to establish that his Right was infringed based on the instigation of the 4th Respondent. But the 4th Respondent was not able to shift the onus back or justify her action as not being an infringement as alleged.

On the part of the 1st Respondent, they acted erroneously by not ensuring that they write a letter to the 2nd & 3rd Respondents to end the Post No Debit on the said Accounts, as such "Order" cannot be given orally or via telephone instruction.

The argument of the banks that they placed the account on a Caution and not Freezing cannot stand because the letter was explicit enough and shows clearly that the instruction was for "POST NO DEBIT". The differentiation by the Banks is deceivingly misleading and childish.

The 4th Respondent could not exhibit the Agreement. She could not substantiate that the Applicant acted as a Surety either. Her story is full of inconsistencies. She cried wolf and the 1st Respondent believed her.

There is no doubt that she violated the Right of the Applicant which resulted in the freezing of the account and the antecedent hardship associated to it. The Applicants are entitled to their Reliefs sought in accordance with the law.

The Court must point out that it is displeased with phrase used by the 4th Respondent when she described the Court as ***"An engine of fraud"*** in paragraph 26 of their Affidavit. It is most unfortunate that a so called gentleman of the bar who authored the paragraphs of the said Counter Affidavit should use such phrase to describe the Court all in the name that he is doing his client's case and wants to earn a living and most probably to impress his client.

It is imperative to refresh the mind of the Counsel to note that wining or doing the case of his client is not at all cost but within his professional ability. Insulting the Court is not part of that professional ability.

The Applicants' case is meritorious having established that the 4th Respondent infringed on their Rights. This Court therefore grants the Relief to wit:

(1) The Reliefs No 1, 2 and 3 are granted as it pertains to this case.

(2) The 4th Respondent is to pay to the Applicants the sum of Five Hundred Thousand Naira (N500, 000.00) for violating his Right.

**This is the Judgement of this Court.**

**Delivered today the _____ day of _____ 2020 by me.**

_____

K.N. OGBONNAYA

HON. JUDGE